

REMARKS

The present application was filed on October 17, 2003 with claims 1-28. Claims 1, 17, 27 and 28 are the independent claims.

In the outstanding final Office Action, the Examiner has: (i) rejected claims 1-28 under 35 U.S.C. §112, second paragraph, as being indefinite; and (ii) rejected claims 1-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,314,463 to Abbott et al. (hereinafter “Abbott”) in view of U.S. Patent No. 5,845,283 to Williams (hereinafter “Williams”).

In this response, Applicants amend independent claims 1, 17, 27 and 28 solely to expedite allowance of the present application. Applicants also traverse the §112 and §103 rejections and respectfully request reconsideration of the application in view of the amendments above and remarks below.

With regard to the §112, second paragraph, rejection, while Applicants assert that the previous claim set was not indefinite given the express language of the claims and their interpretation from the present specification, Applicants have nonetheless amended the independent claims to further clarify the language in question. Thus, the independent claims have been amended to recite that a generic format comprises a common format and generically controlling the one or more resources comprises controlling the one or more resources in accordance with the common format. Support for the amendment may be found throughout the present specification, by way of example, see page 6, line 24, through page 7, line 4.

With regard to the §103(a) rejection of claims 1-28 based on the combination of Abbott and Williams, Applicants assert that the combination fails to teach or suggest each and every limitation in independent claims 1, 17, 27 and 28.

Amended independent claim 1 is directed to a method of generically controlling one or more resources associated with at least one computing system, the method comprising the steps of: translating one or more performance metrics and one or more configurations from an associated resource specific format to a generic format such that each of the one or more resources are generically controlled, wherein a generic format comprises a common format and generically controlling the one or more resources comprises controlling the one or more resources in accordance

with the common format; evaluating one or more generically-expressed performance metrics associated with the one or more resources given one or more generically-expressed configurations of the one or more resources; causing a change in the one or more generically-expressed configurations of the one or more resources based on the performance metric evaluating step; translating the one or more changed configurations from the generic format to the associated resource specific format; and updating the one or more resources with the one or more resource specific configurations; wherein the one or more configurations of the one or more resources are optimized in a closed loop system formed via a combination of the first translating, evaluating, change causing, second translating and updating steps. Claims 17, 27 and 28 recite similar limitations.

Applicants added the language: the one or more configurations of the one or more resources are optimized in a closed loop system formed via a combination of the first translating, evaluating, change causing, second translating and updating steps. Support for the amendment may be found throughout the present specification, by way of example, see page 3, lines 6-10.

Among other deficiencies, Applicants assert that the Abbott/Williams combination fails to teach or suggest that the one or more configurations of the one or more resources are optimized in a closed loop system formed via a combination of the first translating, evaluating, change causing, second translating and updating steps.

While Abbott refers to measuring queue length and delay, and Williams refers to converting data received from an input device to another format to be sent to an output device, nowhere do the two references teach or suggest that one or more configurations of one or more resources are optimized in a closed loop system formed via a combination of the first translating, evaluating, change causing, second translating and updating steps. There is no such closed loop system even mentioned in either reference. In fact, since Williams merely converts data from an input device to another format to be sent to an output device, an open-ended operation, it teaches away from any combination with Abbott to form a closed loop system.

Furthermore, Applicants assert that the two references are not properly combinable since they both deal with completely disparate problems. Also the motivation given by the Examiner to combine the two references is clearly insufficient under the recent KSR decision.

Accordingly, it is believed that claim 1 is patentable over the Abbott/Williams combination.

Independent claims 17, 27 and 28 include limitations similar to those of claim 1, and are therefore believed allowable for reasons similar to those described above with reference to claim 1.

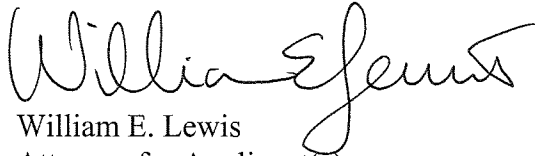
Dependent claims 2-16 and 18-26 are believed allowable for at least the reasons identified above with regard to claims 1 and 17. One or more of these claims are also believed to define separately-patentable subject matter over the cited art.

Furthermore, Applicants challenge the rejection of claims 7 and 21. The Examiner admits that neither Abbott nor Williams teach or suggest the claimed limitation, however, the Examiner does not cite upon what authority he is relying. If it is Official Notice, then Applicants request the citation of a prior art reference properly combinable with Abbot and Williams.

A Request for Continued Examination is being filed concurrent with the present amendment.

In view of the above, Applicants believe that claims 1-28 are in condition for allowance, and respectfully request withdrawal of the §112 and §103 rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis", with a stylized flourish at the end.

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